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3 UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION
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8 GANN PROPERTIES, LP,

9 Plaintiff,

10 vs.

11 JUDAN COATES; et al.,

12 Defendants.
13

Case No: C 13-3718 SBA

**ORDER ACCEPTING REPORT
AND RECOMMENDATION TO
REMAND ACTION**

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15 On October 3, 2013, Magistrate Judge Joseph Spero issued a report and
16 recommendation in which he recommended granting Plaintiff's motion to remand, but
17 denying its request for attorneys' fees. Dkt. 20. Any objections to a report and
18 recommendation must be filed within fourteen days of receipt thereof. Fed. R. Civ. P.
19 72(b); 28 U.S.C. § 636(b)(1); Civ. L.R. 72-2, 72-3. The district court must "make a de
20 novo determination of those portions of the report to which objection is made," and "may
21 accept, reject, or modify, in whole or in part, the findings or recommendations made by the
22 magistrate judge." 28 U.S.C. § 636(b)(1); see also Civ. L.R. 72-3(a) (requiring that any
23 objections be accompanied by a motion for de novo determination).

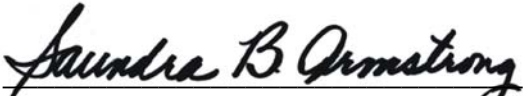
24 The deadline to file an objection to the report and recommendation was October 17,
25 2013. See Fed. R. Civ. P. 6(a)(1), 72(b). To date, no objections have been filed in this
26 case. In the absence of a timely objection, the Court "need only satisfy itself that there is
27 no clear error on the face of the record in order to accept the recommendation." Fed. R.
28 Civ. P. 72, Advisory Committee Notes (1983) (citing Campbell v. U.S. Dist. Court, 501

1 F.2d 196, 206 (9th Cir. 1974)); see also United States v. Reyna-Tapia, 328 F.3d 1114, 1121
2 (9th Cir. 2003) (“The statute [28 U.S.C. § 636(b)(1)(C)] makes it clear that the district
3 judge must review the magistrate judge’s findings and recommendations de novo *if [an]*
4 *objection is made*, but not otherwise.”) (en banc). The Court has reviewed the record on its
5 face and finds no clear error. Accordingly,

6 IT IS HEREBY ORDERED THAT the magistrate judge’s report and
7 recommendation (Docket 20) is ACCEPTED and shall become the Order of this Court.
8 Plaintiff’s motion to remand is GRANTED. Plaintiff’s request for fees is DENIED.
9 Pursuant to 28 U.S.C. § 1447(c), the Clerk shall remand the action to the Contra Costa
10 County Superior Court, terminate any pending matters and close the file.

11 IT IS SO ORDERED.

12 Dated: October 21, 2013


SAUNDRA BROWN ARMSTRONG
United States District Judge